

110TH CONGRESS
1ST SESSION

H. R. 2638

AN ACT

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of Homeland Security for the fiscal year end-
4 ing September 30, 2008, and for other purposes, namely:

5 TITLE I—DEPARTMENTAL MANAGEMENT AND
6 OPERATIONS

7 OFFICE OF THE SECRETARY AND EXECUTIVE
8 MANAGEMENT

9 For necessary expenses of the Office of the Secretary
10 of Homeland Security, as authorized by section 102 of the
11 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
12 tive management of the Department of Homeland Secu-
13 rity, as authorized by law, \$102,930,000 (reduced by
14 \$15,000,000) (reduced by \$1,000,000) (reduced by
15 \$79,000) (reduced by \$300,000) (reduced by \$1,241,000)
16 (reduced by \$138,000): *Provided*, That not to exceed
17 \$40,000 shall be for official reception and representation
18 expenses.

19 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

20 For necessary expenses of the Office of the Under
21 Secretary for Management, as authorized by sections 701
22 through 705 of the Homeland Security Act of 2002 (6
23 U.S.C. 341 through 345), \$237,765,000 (reduced by
24 \$35,000,000) (reduced by \$11,000,000) (reduced by
25 \$10,400,000) (reduced by \$35,000,000) (reduced by

1 \$89,125,000) (reduced by \$15,000,000) (reduced by
2 \$50,000,000), of which not to exceed \$3,000 shall be for
3 official reception and representation expenses: *Provided*,
4 That of the total amount provided, \$6,000,000 shall re-
5 main available until expended solely for the alteration and
6 improvement of facilities, tenant improvements, and relo-
7 cation costs to consolidate Department headquarters oper-
8 ations and \$300,000 shall remain available until expended
9 by the Federal Law Enforcement Training Accreditation
10 Board for the needs of Federal law enforcement agencies
11 participating in training accreditation: *Provided further*,
12 That no funding provided under this heading may be used
13 to design, build, or relocate any Departmental activity to
14 the Saint Elizabeths campus until the Department sub-
15 mits to the Committees on Appropriations of the Senate
16 and the House of Representatives: (1) the published U-
17 Visa rule; and (2) a detailed expenditure plan for check-
18 point support and explosive detection systems refurbish-
19 ment, procurement, and installations on an airport-by-air-
20 port basis for fiscal year 2008.

21 OFFICE OF THE CHIEF FINANCIAL OFFICER

22 For necessary expenses of the Office of the Chief Fi-
23 nancial Officer, as authorized by section 103 of the Home-
24 land Security Act of 2002 (6 U.S.C. 113), \$32,000,000
25 (reduced by \$1,000,000) (reduced by \$500,000).

1 OFFICE OF THE CHIEF INFORMATION OFFICER

2 For necessary expenses of the Office of the Chief In-
3 formation Officer, as authorized by section 103 of the
4 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
5 partment-wide technology investments, \$258,621,000; of
6 which \$79,921,000 shall be available for salaries and ex-
7 penses; and of which \$178,700,000 shall be available for
8 development and acquisition of information technology
9 equipment, software, services, and related activities for the
10 Department of Homeland Security, to remain available
11 until expended: *Provided*, That none of the funds appro-
12 priated shall be used to support or supplement the appro-
13 priations provided for the United States Visitor and Immi-
14 grant Status Indicator Technology project or the Auto-
15 mated Commercial Environment: *Provided further*, That
16 the Chief Information Officer shall submit to the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives, not more than 60 days after the date of
19 enactment of this Act, an expenditure plan for all informa-
20 tion technology acquisition projects with an estimated cost
21 of \$2,500,000 or more: *Provided further*, That such ex-
22 penditure plan shall include each specific project funded,
23 key milestones, all funding sources for each project, details
24 of annual and lifecycle costs, and projected cost savings
25 or cost avoidance to be achieved by the project: *Provided*

1 *further*, That notwithstanding any other provision of law,
2 none of the funds made available in this or any other Act
3 may be obligated to provide for the oversight or manage-
4 ment of the Integrated Wireless Network program by any
5 employee of the Office of the Chief Information Officer.

6 ANALYSIS AND OPERATIONS

7 For necessary expenses for information analysis and
8 operations coordination activities, as authorized by title II
9 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
10 seq.), \$291,619,000 (increased by \$10,000,000), to re-
11 main available until September 30, 2009, of which not to
12 exceed \$5,000 shall be for official reception and represen-
13 tation expenses.

14 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
15 COAST REBUILDING

16 For necessary expenses of the Office of the Federal
17 Coordinator for Gulf Coast Rebuilding, \$3,000,000: *Pro-*
18 *vided*, That \$1,000,000 shall not be available for obliga-
19 tion until the Committees on Appropriations of the Senate
20 and the House of Representatives receive an expenditure
21 plan for fiscal year 2008.

22 INSPECTOR GENERAL
23 OPERATING EXPENSES

24 For necessary expenses of the Inspector General in
25 carrying out the provisions of the Inspector General Act

1 of 1978 (5 U.S.C. App.), \$99,111,000 (increased by
2 \$500,000), of which not to exceed \$150,000 may be used
3 for certain confidential operational expenses, including the
4 payment of informants, to be expended at the direction
5 of the Inspector General.

6 TITLE II—SECURITY, ENFORCEMENT, AND
7 INVESTIGATIONS

8 UNITED STATES CUSTOMS AND BORDER PROTECTION
9 SALARIES AND EXPENSES

10 For necessary expenses for enforcement of laws relat-
11 ing to border security, immigration, customs, and agricul-
12 tural inspections and regulatory activities related to plant
13 and animal imports; purchase and lease of up to 4,500
14 (2,300 for replacement only) police-type vehicles; and con-
15 tracting with individuals for personal services abroad;
16 \$6,629,733,000 (reduced by \$1,000,000) (increased by
17 \$1,000,000), of which \$3,093,000 shall be derived from
18 the Harbor Maintenance Trust Fund for administrative
19 expenses related to the collection of the Harbor Mainte-
20 nance Fee pursuant to section 9505(c)(3) of the Internal
21 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) notwith-
22 standing section 1511(e)(1) of the Homeland Security Act
23 of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
24 \$45,000 shall be for official reception and representation
25 expenses; of which not less than \$207,740,000 shall be

1 for Air and Marine Operations; of which such sums as
2 become available in the Customs User Fee Account, except
3 sums subject to section 13031(f)(3) of the Consolidated
4 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
5 58c(f)(3)), shall be derived from that account; of which
6 not to exceed \$150,000 shall be available for payment for
7 rental space in connection with preclearance operations;
8 and of which not to exceed \$1,000,000 shall be for awards
9 of compensation to informants, to be accounted for solely
10 under the certificate of the Secretary of Homeland Secu-
11 rity: *Provided*, That for fiscal year 2008, the overtime lim-
12 itation prescribed in section 5(c)(1) of the Act of February
13 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
14 withstanding any other provision of law, none of the funds
15 appropriated by this Act may be available to compensate
16 any employee of United States Customs and Border Pro-
17 tection for overtime, from whatever source, in an amount
18 that exceeds such limitation, except in individual cases de-
19 termined by the Secretary of Homeland Security, or the
20 designee of the Secretary, to be necessary for national se-
21 curity purposes, to prevent excessive costs, or in cases of
22 immigration emergencies: *Provided further*, That of the
23 amount made available under this heading, \$202,816,000
24 shall remain available until September 30, 2009, to sup-
25 port software development, equipment, contract services,

1 and the implementation of inbound lanes and modification
2 to vehicle primary processing lanes at ports of entry, of
3 which \$100,000 is to promote information and education
4 exchange with nations friendly to the United States in
5 order to promote sharing of best practices and tech-
6 nologies relating to homeland security, as authorized by
7 section 879 of Public Law 107–296 and \$100,000,000
8 may not be obligated until the Committees on Appropria-
9 tions of the Senate and the House of Representatives re-
10 ceive a report on the results of pilot programs used to de-
11 velop and implement the plan required by section
12 7209(b)(1) of the Intelligence Reform and Terrorism Pre-
13 vention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185
14 note), which includes the following information: (1) infra-
15 structure and staffing required, with associated costs, by
16 port of entry; (2) updated milestones for plan implementa-
17 tion; (3) a detailed explanation of how requirements of
18 such section have been satisfied; (4) confirmation that a
19 vicinity-read radio frequency identification card has been
20 adequately tested to ensure operational success; and (5)
21 a description of steps taken to ensure the integrity of pri-
22 vacy safeguards.

23 AUTOMATION MODERNIZATION

24 For expenses for customs and border protection auto-
25 mated systems, \$476,609,000, to remain available until
26 expended, of which not less than \$316,969,000 shall be

1 for the development of the Automated Commercial Envi-
2 ronment: *Provided*, That of the total amount made avail-
3 able under this heading, \$216,969,000 may not be obli-
4 gated for the Automated Commercial Environment pro-
5 gram until 30 days after the Committees on Appropria-
6 tions of the Senate and the House of Representatives re-
7 ceive a report on the results to date and plans for the
8 program from the Department of Homeland Security that
9 includes:

10 (1) a detailed accounting of the program's
11 progress up to the date of the report in meeting
12 prior commitments made to the Committees relative
13 to system capabilities or services, system perform-
14 ance levels, mission benefits and outcomes, mile-
15 stones, cost targets, and program management capa-
16 bilities;

17 (2) an explicit plan of action defining how all
18 unobligated funds for the program from prior appro-
19 priations and all fiscal year 2008 funds are to be
20 spent to meet future program commitments, with
21 sufficient detail to link the planned expenditure of
22 funds to the milestone-based delivery of specific ca-
23 pabilities, services, performance levels, mission bene-
24 fits and outcomes, and program management capa-
25 bilities;

1 (3) a listing of all open Government Account-
2 ability Office and Office of Inspector General rec-
3 ommendations related to the program, with the sta-
4 tus of the Department’s efforts to address the rec-
5 ommendations, including milestones for fully ad-
6 dressing them;

7 (4) a written certification by the Chief Finan-
8 cial Officer of the Department of Homeland Security
9 that the program has been reviewed and approved in
10 accordance with the Department’s investment man-
11 agement process, and that this process fulfills all
12 capital planning and investment control require-
13 ments and reviews established by the Office of Man-
14 agement and Budget, including Circular A–11, part
15 7, as well as copies of all investment decision memo-
16 randa and supporting analyses generated by and
17 used in the Department’s process;

18 (5) a written certification by the Chief Informa-
19 tion Officer of the Department of Homeland Secu-
20 rity that an independent validation and verification
21 agent has and will continue to actively review the
22 program, as well as summaries of reviews conducted
23 by the agent during the preceding 12 months;

24 (6) a written certification by the Chief Informa-
25 tion Officer of the Department of Homeland Secu-

1 rity that: the system architecture is sufficiently
2 aligned with the department's information systems
3 enterprise architecture to minimize future rework,
4 including: a description of all aspects of the architec-
5 tures that were and were not assessed in making the
6 alignment determination; the date of the alignment
7 determination; any known areas of misalignment;
8 any associated risks; and corrective actions to ad-
9 dress any such areas;

10 (7) a written certification by the Chief Informa-
11 tion Officer of the Department of Homeland Secu-
12 rity that the program has a risk management proc-
13 ess that regularly and proactively identifies, evalu-
14 ates, mitigates, and monitors risks throughout the
15 system life cycle, and communicates high-risk condi-
16 tions to United States Customs and Border Protec-
17 tion and Department of Homeland Security invest-
18 ment decision makers, as well as a listing of the pro-
19 gram's high risks and the status of efforts to ad-
20 dress them;

21 (8) a written certification by the Chief Procure-
22 ment Officer of the Department of Homeland Secu-
23 rity that the plans for the program comply with the
24 Federal acquisition rules, requirements, guidelines,
25 and practices, and a description of the actions being

1 taken to address areas of non-compliance, the risks
2 associated with them along with any plans for ad-
3 dressing these risks and the status of their imple-
4 mentation; and

5 (9) a written certification by the Chief Human
6 Capital Officer of the Department of Homeland Se-
7 curity that human capital needs of the program are
8 being strategically and proactively managed, and
9 that current human capital capabilities are sufficient
10 to execute the plans discussed in the report.

11 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
12 TECHNOLOGY

13 For expenses for customs and border protection fenc-
14 ing, infrastructure, and technology, \$1,000,000,000 (re-
15 duced by \$5,000,000) (increased by \$5,000,000) (in-
16 creased by \$89,125,000), to remain available until ex-
17 pended: *Provided*, That of the amount provided under this
18 heading, \$700,000,000 shall not be obligated until the
19 Committees on Appropriations of the Senate and the
20 House of Representatives receive and approve a plan for
21 expenditure, prepared by the Secretary of Homeland Secu-
22 rity and submitted within 60 days after the date of enact-
23 ment of this Act, for a program to establish a security
24 barrier along the borders of the United States of fencing
25 and vehicle barriers, where practicable, and other forms
26 of tactical infrastructure and technology, that—

1 (1) defines activities, milestones, and costs for
2 implementing the program, including identification
3 of the maximum investment related to the Secure
4 Border Initiative network (SBIInet) or successor con-
5 tract, estimation of lifecycle costs, and description of
6 the methodology used to obtain these cost figures;

7 (2) demonstrates how activities will further the
8 objectives of the Secure Border Initiative (SBI), as
9 defined in the SBI multi-year strategic plan, and
10 how the plan allocates funding to the highest pri-
11 ority border security needs;

12 (3) identifies funding and staffing (including
13 full-time equivalents, contractors, and detailees) re-
14 quirements by activity;

15 (4) describes how the plan addresses security
16 needs at the Northern Border and the ports of
17 entry, including infrastructure, technology, design
18 and operations requirements;

19 (5) reports on costs incurred, the activities com-
20 pleted, and the progress made by the program in
21 terms of obtaining operational control of the entire
22 border of the United States;

23 (6) includes an analysis by the Secretary, for
24 each segment of fencing or tactical infrastructure, of
25 the selected approach compared to other, alternative

1 means of achieving operational control; such analysis
2 should include cost, level of operational control, pos-
3 sible unintended effects on communities, and other
4 factors critical to the decision-making process;

5 (7) includes a certification by the Chief Pro-
6 curement Officer of the Department of Homeland
7 Security that procedures to prevent conflicts of in-
8 terest between the prime integrator and major sub-
9 contractors are established and that the SBI Pro-
10 gram Office has adequate staff and resources to ef-
11 fectively manage the SBI program, SBInet contract,
12 and any related contracts, including the exercise of
13 technical oversight, and a certification by the Chief
14 Information Officer of the Department of Homeland
15 Security that an independent verification and valida-
16 tion agent is currently under contract for the
17 projects funded under this heading;

18 (8) complies with all applicable acquisition
19 rules, requirements, guidelines, and best systems ac-
20 quisition management practices of the Federal Gov-
21 ernment;

22 (9) complies with the capital planning and in-
23 vestment control review requirements established by
24 the Office of Management and Budget, including
25 Circular A-11, part 7;

1 (10) is reviewed and approved by the Depart-
2 ment of Homeland Security Investment Review
3 Board, the Secretary of Homeland Security, and the
4 Office of Management and Budget; and

5 (11) is reviewed by the Government Account-
6 ability Office:

7 *Provided further*, That the Secretary shall report to the
8 Committees on Appropriations of the Senate and the
9 House of Representatives on program progress to date,
10 and specific objectives to be achieved through the award
11 of current and remaining task orders planned for the bal-
12 ance of available appropriations: (1) at least 30 days prior
13 to the award of any task order requiring the obligation
14 in excess of \$100,000,000; and (2) prior to the award of
15 a task order that would cause cumulative obligations to
16 exceed 50 percent of the total amount appropriated: *Pro-*
17 *vided further*, That of the funds provided under this head-
18 ing, not more than \$2,000,000 shall be used to reimburse
19 the Defense Acquisition University for the costs of con-
20 ducting a review of the SBI-net contract and determining
21 how and whether the Department is employing the best
22 procurement practices: *Provided further*, That none of the
23 funds under this heading may be obligated for fencing or
24 tactical infrastructure on lands administered by the Na-
25 tional Park Service, the United States Fish and Wildlife

1 Service, the Forest Service, the Bureau of Indian Affairs,
2 or the Bureau of Land Management unless the Secretary
3 of Homeland Security coordinates such decision with that
4 agency, and makes every effort to minimize impacts on
5 wildlife and natural resources: *Provided further*, That none
6 of the funds under this heading may be obligated for a
7 fencing or tactical infrastructure project or activity unless
8 the Secretary formally consults with affected State and
9 local communities to solicit their advice and support of
10 such project or activity: *Provided further*, That no funds
11 under this heading may be obligated for any project or
12 activity for which the Secretary has exercised waiver au-
13 thority pursuant to section 102(c) of the Illegal Immigra-
14 tion Reform and Immigrant Responsibility Act of 1996
15 (8 U.S.C. 1103 note) until 15 days have elapsed from the
16 date of the publication of the decision in the Federal Reg-
17 ister.

18 AIR AND MARINE INTERDICTION, OPERATIONS,

19 MAINTENANCE, AND PROCUREMENT

20 For necessary expenses for the operations, mainte-
21 nance, and procurement of marine vessels, aircraft, un-
22 manned aircraft systems, and other related equipment of
23 the air and marine program, including operational train-
24 ing and mission-related travel, and rental payments for
25 facilities occupied by the air or marine interdiction and
26 demand reduction programs, the operations of which in-

1 clude the following: the interdiction of narcotics and other
2 goods; the provision of support to Federal, State, and local
3 agencies in the enforcement or administration of laws en-
4 forced by the Department of Homeland Security; and at
5 the discretion of the Secretary of Homeland Security, the
6 provision of assistance to Federal, State, and local agen-
7 cies in other law enforcement and emergency humani-
8 tarian efforts, \$477,287,000, to remain available until ex-
9 pended: *Provided*, That no aircraft or other related equip-
10 ment, except aircraft that are one-of-a-kind and have been
11 identified as excess to United States Customs and Border
12 Protection requirements and aircraft that have been dam-
13 aged beyond repair, shall be transferred to any other Fed-
14 eral agency, department, or office outside of the Depart-
15 ment of Homeland Security during fiscal year 2008 with-
16 out the prior approval of the Committees on Appropria-
17 tions of the Senate and the House of Representatives: *Pro-*
18 *vided further*, That none of the funds under this heading
19 may be obligated for procurement of additional unmanned
20 aerial systems until the Commissioner of United States
21 Customs and Border Protection certifies to the Commit-
22 tees on Appropriations of the Senate and House of Rep-
23 resentatives that they are of higher priority and more cost
24 effective than other items included in the Air and Marine
25 Strategic Recapitalization and Modernization plan.

1 CONSTRUCTION

2 For necessary expenses to plan, construct, renovate,
3 equip, and maintain buildings and facilities necessary for
4 the administration and enforcement of the laws relating
5 to customs and immigration, \$249,663,000, to remain
6 available until expended.

7 UNITED STATES IMMIGRATION AND CUSTOMS

8 ENFORCEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for enforcement of immigra-
11 tion and customs laws, detention and removals, and inves-
12 tigation; and purchase and lease of up to 3,790 (2,350
13 for replacement only) police-type vehicles; \$4,146,300,000
14 (increased by \$9,100,000) (reduced by \$5,000,000) (in-
15 creased by \$5,000,000), of which not to exceed
16 \$10,000,000 shall be available until expended for con-
17 ducting special operations under section 3131 of the Cus-
18 toms Enforcement Act of 1986 (19 U.S.C. 2081); of which
19 not to exceed \$15,000 shall be for official reception and
20 representation expenses; of which not to exceed
21 \$1,000,000 shall be for awards of compensation to inform-
22 ants, to be accounted for solely under the certificate of
23 the Secretary of Homeland Security; and of which not to
24 exceed \$11,216,000 shall be available to fund or reimburse
25 other Federal agencies for the costs associated with the

1 care, maintenance, and repatriation of smuggled illegal
2 aliens: *Provided*, That none of the funds made available
3 under this heading shall be available to compensate any
4 employee for overtime in an annual amount in excess of
5 \$35,000, except that the Secretary of Homeland Security,
6 or a designee of the Secretary, may waive that amount
7 as necessary for national security purposes and in cases
8 of immigration emergencies: *Provided further*, That of the
9 total amount provided, \$15,770,000 shall be for activities
10 to enforce laws against forced child labor in fiscal year
11 2008, of which not to exceed \$6,000,000 shall remain
12 available until expended: *Provided further*, That at least
13 once per month the Secretary of Homeland Security or
14 a designee of the Secretary shall obtain information from
15 every prison, jail, and correctional facility in the United
16 States to identify incarcerated aliens who may be deport-
17 able and make every reasonable effort to remove such
18 aliens judged deportable upon their release from custody.

19 FEDERAL PROTECTIVE SERVICE

20 The revenues and collections of security fees credited
21 to this account shall be available until expended for nec-
22 essary expenses related to the protection of federally-
23 owned and leased buildings and for the operations of the
24 Federal Protective Service: *Provided*, That none of the
25 funds provided in this or any other Act, and none of the
26 revenues or collections of security fees credited to this ac-

1 count, may be obligated for any activity that reduces the
2 number of in-service Federal Protective Service police offi-
3 cers below the number of such officers as of October 1,
4 2006, unless—

5 (1) the Director of the Federal Protective Serv-
6 ice provides to the head of the relevant lead State
7 and local law enforcement agencies for the jurisdic-
8 tion concerned a report on the number and type of
9 cases handled by the Federal Protective Service po-
10 lice in that jurisdiction for the previous two fiscal
11 years;

12 (2) the Director of the Federal Protective Serv-
13 ice negotiates a Memorandum of Agreement with the
14 head of each relevant State and local law enforce-
15 ment agency for the jurisdiction concerned that ex-
16 plains how the work identified in the report de-
17 scribed in section (1) will be addressed in the future;
18 and

19 (3) the Director of the Federal Protective Serv-
20 ice submits copies of each report under paragraph
21 (1) and each memorandum under paragraph (2) to
22 the Committees on Appropriations of the Senate and
23 the House of Representatives by not later than 15
24 days before the number of in-service Federal Protec-

1 until September 30, 2009, of which not to exceed \$10,000
2 shall be for official reception and representation expenses:
3 *Provided*, That of the total amount made available under
4 this heading, not to exceed \$4,218,194,000 shall be for
5 screening operations, of which \$560,000,000 shall be
6 available only for procurement and installation of checked
7 baggage explosive detection systems; and not to exceed
8 \$980,116,000 shall be for aviation security direction and
9 enforcement: *Provided further*, That security service fees
10 authorized under section 44940 of title 49, United States
11 Code, shall be credited to this appropriation as offsetting
12 collections and shall be available only for aviation security:
13 *Provided further*, That the sum appropriated under this
14 heading from the general fund shall be reduced on a dol-
15 lar-for-dollar basis as such offsetting collections are re-
16 ceived during fiscal year 2008, so as to result in a final
17 fiscal year appropriation from the general fund estimated
18 at not more than \$2,488,310,000: *Provided further*, That
19 any security service fees collected in excess of the amount
20 made available under this heading shall become available
21 during fiscal year 2009.

22 SURFACE TRANSPORTATION SECURITY

23 For necessary expenses of the Transportation Secu-
24 rity Administration related to providing surface transpor-
25 tation security activities, \$41,413,000, to remain available
26 until September 30, 2009.

1 date of enactment of this Act a detailed expenditure plan
2 for checkpoint support and explosive detection systems re-
3 furbishment, procurement, and installations on an airport-
4 by-airport basis for fiscal year 2008: *Provided, further,*
5 That notwithstanding any other provision of law, the ac-
6 quisition management system shall be subject to the provi-
7 sions of the Small Business Act (15 U.S.C. 631 et seq.).

8 FEDERAL AIR MARSHALS

9 For necessary expenses of the Federal Air Marshals,
10 \$722,000,000.

11 COAST GUARD

12 OPERATING EXPENSES

13 For necessary expenses for the operation and mainte-
14 nance of the Coast Guard not otherwise provided for; pur-
15 chase or lease of not to exceed 25 passenger motor vehi-
16 cles, which shall be for replacement only; payments pursu-
17 ant to section 156 of Public Law 97-377 (42 U.S.C. 402
18 note; 96 Stat. 1920); and recreation and welfare;
19 \$5,885,242,000, of which \$340,000,000 shall be for de-
20 fense-related activities; of which \$24,500,000 shall be de-
21 rived from the Oil Spill Liability Trust Fund to carry out
22 the purposes of section 1012(a)(5) of the Oil Pollution Act
23 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
24 ceed \$20,000 shall be for official reception and representa-
25 tion expenses: *Provided,* That none of the funds made
26 available by this or any other Act shall be available for

1 administrative expenses in connection with shipping com-
2 missioners in the United States: *Provided further*, That
3 none of the funds made available by this Act shall be for
4 expenses incurred for yacht documentation under section
5 12114 of title 46, United States Code, except to the extent
6 fees are collected from yacht owners and credited to this
7 appropriation.

8 ENVIRONMENTAL COMPLIANCE AND RESTORATION

9 For necessary expenses to carry out the environ-
10 mental compliance and restoration functions of the Coast
11 Guard under chapter 19 of title 14, United States Code,
12 \$15,000,000, to remain available until expended.

13 RESERVE TRAINING

14 For necessary expenses of the Coast Guard Reserve,
15 as authorized by law; operations and maintenance of the
16 reserve program; personnel and training costs; and equip-
17 ment and services; \$126,883,000.

18 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

19 (INCLUDING RESCISSIONS OF FUNDS)

20 For necessary expenses of acquisition, construction,
21 renovation, and improvement of aids to navigation, shore
22 facilities, vessels, and aircraft, including equipment related
23 thereto; and maintenance, rehabilitation, lease and oper-
24 ation of facilities and equipment, as authorized by law;
25 \$941,767,000, of which \$20,000,000 shall be derived from
26 the Oil Spill Liability Trust Fund to carry out the pur-

1 poses of section 1012(a)(5) of the Oil Pollution Act of
2 1990 (33 U.S.C. 2712(a)(5)); of which \$9,200,000 shall
3 be available until September 30, 2012, to acquire, repair,
4 renovate, or improve vessels, small boats, and related
5 equipment; of which \$113,600,000 shall be available until
6 September 30, 2010, for other equipment; of which
7 \$37,897,000 shall be available until September 30, 2010,
8 for shore facilities and aids to navigation facilities; of
9 which \$82,720,000 shall be available for personnel com-
10 pensation and benefits and related costs; and of which
11 \$698,350,000 shall be available until September 30, 2012,
12 for the Integrated Deepwater Systems program: *Provided*,
13 That of the funds made available for the Integrated Deep-
14 water Systems program, \$257,400,000 is for aircraft and
15 \$219,500,000 is for surface ships: *Provided further*, That
16 \$400,000,000 of the funds provided for the Integrated
17 Deepwater Systems program may not be obligated until
18 the Committees on Appropriations of the Senate and the
19 House of Representatives receive and approve a plan for
20 expenditure directly from the Coast Guard that—

21 (1) defines activities, milestones, yearly costs,
22 and lifecycle costs for each procurement of a major
23 asset, including an independent cost estimate for
24 each;

1 (2) identifies lifecycle staffing and training
2 needs of Coast Guard project managers and of pro-
3 curement and contract staff;

4 (3) identifies competition to be conducted in
5 each procurement;

6 (4) describes procurement plans that do not
7 rely on a single industry entity or contract;

8 (5) contains very limited indefinite delivery/in-
9 definite quantity contracts and explains the need for
10 any indefinite delivery/indefinite quantity contracts;

11 (6) complies with all applicable acquisition
12 rules, requirements, and guidelines, and incorporates
13 the best systems acquisition management practices
14 of the Federal Government;

15 (7) complies with the capital planning and in-
16 vestment control requirements established by the Of-
17 fice of Management and Budget, including circular
18 A-11, part 7;

19 (8) includes a certification by the Head of Con-
20 tracting Activity for the Coast Guard and the Chief
21 Procurement Officer of the Department of Home-
22 land Security that the Coast Guard has established
23 sufficient controls and procedures and has sufficient
24 staffing to comply with all contracting requirements

1 and that any apparent conflicts of interest have been
2 sufficiently addressed;

3 (9) includes a description of the process used to
4 act upon deviations from the contractually specified
5 performance requirements and clearly explains the
6 actions taken on such deviations;

7 (10) includes a certification that the Assistant
8 Commandant of the Coast Guard for Engineering
9 and Logistics is designated as the technical author-
10 ity for all engineering, design, and logistics decisions
11 pertaining to the Integrated Deepwater Systems pro-
12 gram;

13 (11) identifies use of the Defense Contract Au-
14 diting Agency; and

15 (12) is reviewed by the Government Account-
16 ability Office:

17 *Provided further*, That the Commandant of the Coast
18 Guard is authorized to dispose of surplus real property,
19 by sale or lease, and the proceeds shall be credited to this
20 appropriation as offsetting collections and shall be avail-
21 able until September 30, 2010: *Provided further*, That of
22 amounts made available under this heading in Public Law
23 109–90 for the Offshore Patrol Cutter, \$68,841,000 is re-
24 scinded: *Provided further*, That of amounts made available
25 under this heading in Public Law 109–90 and Public Law

1 109–295 for unmanned aerial vehicles, \$38,608,000 is re-
2 scinded: *Provided further*, That the Secretary of Homeland
3 Security shall submit to the Committees on Appropria-
4 tions of the Senate and the House of Representatives, in
5 conjunction with the President’s fiscal year 2009 budget,
6 a review of the Revised Deepwater Implementation Plan
7 that identifies any changes to the plan for the fiscal year;
8 an annual performance comparison of Deepwater assets
9 to pre-Deepwater legacy assets; a status report of legacy
10 assets; a detailed explanation of how the costs of legacy
11 assets are being accounted for within the Deepwater pro-
12 gram; and the earned value management system gold card
13 data for each Deepwater asset: *Provided further*, That the
14 Secretary shall submit to the Committees on Appropria-
15 tions of the Senate and the House of Representatives a
16 comprehensive review of the Revised Deepwater Imple-
17 mentation Plan every five years, beginning in fiscal year
18 2011, that includes a complete projection of the acquisi-
19 tion costs and schedule for the duration of the plan
20 through fiscal year 2027: *Provided further*, That the Sec-
21 retary shall annually submit to the Committees on Appro-
22 priations of the Senate and the House of Representatives,
23 at the time that the President’s budget is submitted under
24 section 1105(a) of title 31, United States Code, a future-

1 years capital investment plan for the Coast Guard that
2 identifies for each capital budget line item—

3 (1) the proposed appropriation included in that
4 budget;

5 (2) the total estimated cost of completion;

6 (3) projected funding levels for each fiscal year
7 for the next five fiscal years or until project comple-
8 tion, whichever is earlier;

9 (4) an estimated completion date at the pro-
10 jected funding levels; and

11 (5) changes, if any, in the total estimated cost
12 of completion or estimated completion date from
13 previous future-years capital investment plans sub-
14 mitted to the Committees on Appropriations of the
15 Senate and the House of Representatives:

16 *Provided further*, That the Secretary shall ensure that
17 amounts specified in the future-years capital investment
18 plan are consistent to the maximum extent practicable
19 with proposed appropriations necessary to support the
20 programs, projects, and activities of the Coast Guard in
21 the President's budget as submitted under section 1105(a)
22 of title 31, United States Code, for that fiscal year: *Pro-*
23 *vided further*, That any inconsistencies between the capital
24 investment plan and proposed appropriations shall be
25 identified and justified.

1 ALTERATION OF BRIDGES

2 For necessary expenses for alteration or removal of
3 obstructive bridges, as authorized by section 6 of the Act
4 of July 16, 1952 (chapter 409; 33 U.S.C. 516),
5 \$16,000,000, to remain available until expended.

6 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

7 For necessary expenses for applied scientific re-
8 search, development, test, and evaluation; and for mainte-
9 nance, rehabilitation, lease, and operation of facilities and
10 equipment; as authorized by law; \$22,583,000 (reduced by
11 \$5,000,000), to remain available until expended, of which
12 \$500,000 shall be derived from the Oil Spill Liability
13 Trust Fund to carry out the purposes of section
14 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
15 2712(a)(5)): *Provided*, That there may be credited to and
16 used for the purposes of this appropriation funds received
17 from State and local governments, other public authori-
18 ties, private sources, and foreign countries for expenses
19 incurred for research, development, testing, and evalua-
20 tion.

21 RETIRED PAY

22 For retired pay, including the payment of obligations
23 otherwise chargeable to lapsed appropriations for this pur-
24 pose, payments under the Retired Serviceman's Family
25 Protection and Survivor Benefits Plans, payment for ca-
26 reer status bonuses, concurrent receipts and combat-re-

1 lated special compensation under the National Defense
2 Authorization Act, and payments for medical care of re-
3 tired personnel and their dependents under chapter 55 of
4 title 10, United States Code, \$1,184,720,000, to remain
5 available until expended.

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the United States Secret
9 Service, including purchase of not to exceed 645 vehicles
10 for police-type use for replacement only, and hire of pas-
11 senger motor vehicles; purchase of motorcycles made in
12 the United States; hire of aircraft; services of expert wit-
13 nesses at such rates as may be determined by the Director
14 of the Secret Service; rental of buildings in the District
15 of Columbia, and fencing, lighting, guard booths, and
16 other facilities on private or other property not in Govern-
17 ment ownership or control, as may be necessary to per-
18 form protective functions; payment of per diem or subsist-
19 ence allowances to employees where a protective assign-
20 ment during the actual day or days of the visit of a
21 protectee requires an employee to work 16 hours per day
22 or to remain overnight at a post of duty; conduct of and
23 participation in firearms matches; presentation of awards;
24 travel of United States Secret Service employees on pro-
25 tective missions without regard to the limitations on such

1 expenditures in this or any other Act if approval is ob-
2 tained in advance from the Committees on Appropriations
3 of the Senate and the House of Representatives; research
4 and development; grants to conduct behavioral research in
5 support of protective research and operations; and pay-
6 ment in advance for commercial accommodations as may
7 be necessary to perform protective functions;
8 \$1,392,171,000, of which \$853,690,000 is for protective
9 missions and not to exceed \$25,000 shall be for official
10 reception and representation expenses: *Provided*, That up
11 to \$18,000,000 provided for protective travel shall remain
12 available until September 30, 2009: *Provided further*, That
13 the United States Secret Service is authorized to obligate
14 funds in anticipation of reimbursements from Executive
15 agencies, as defined in section 105 of title 5, United States
16 Code, receiving training sponsored by the James J.
17 Rowley Training Center, except that total obligations at
18 the end of the fiscal year shall not exceed total budgetary
19 resources available under this heading at the end of the
20 fiscal year: *Provided further*, That none of the funds made
21 available under this heading shall be available to com-
22 pensate any employee for overtime in an annual amount
23 in excess of \$35,000, except that the Secretary of Home-
24 land Security, or the designee of the Secretary, may waive
25 that amount as necessary for national security purposes:

1 TITLE III—PROTECTION, PREPAREDNESS,
2 RESPONSE AND RECOVERY

3 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the immediate Office of
6 the Under Secretary for National Protection and Pro-
7 grams, the National Protection Planning Office, support
8 for operations, information technology, and Risk Manage-
9 ment and Analysis, \$40,346,000: *Provided*, That not to
10 exceed \$5,000 shall be for official reception and represen-
11 tation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION
13 SECURITY

14 For necessary expenses for infrastructure protection
15 and information security programs and activities, as au-
16 thorized by title II of the Homeland Security Act of 2002
17 (6 U.S.C. 121 et seq.), \$532,881,000, of which
18 \$471,787,000 shall remain available until September 30,
19 2009.

20 UNITED STATES VISITOR AND IMMIGRANT STATUS
21 INDICATOR TECHNOLOGY

22 For necessary expenses for the development of the
23 United States Visitor and Immigrant Status Indicator
24 Technology project, as authorized by section 110 of the
25 Illegal Immigration Reform and Immigrant Responsibility
26 Act of 1996 (8 U.S.C. 1365a), \$462,000,000, to remain

1 available until expended: *Provided*, That of the total
2 amount made available under this heading, \$232,000,000
3 may not be obligated for the United States Visitor and
4 Immigrant Status Indicator Technology project until the
5 Committees on Appropriations of the Senate and the
6 House of Representatives receive and approve a plan for
7 expenditure prepared by the Secretary of Homeland Secu-
8 rity that—

9 (1) meets the capital planning and investment
10 control review requirements established by the Office
11 of Management and Budget, including Circular A-
12 11, part 7;

13 (2) complies with the Department of Homeland
14 Security information systems enterprise architecture;

15 (3) complies with the acquisition rules, require-
16 ments, guidelines, and systems acquisition manage-
17 ment practices of the Federal Government;

18 (4) includes a certification by the Chief Infor-
19 mation Officer of the Department of Homeland Se-
20 curity that an independent verification and valida-
21 tion agent is currently under contract for the
22 project;

23 (5) is reviewed and approved by the Depart-
24 ment of Homeland Security Investment Review

1 Board, the Secretary of Homeland Security, and the
2 Office of Management and Budget;

3 (6) is reviewed by the Government Account-
4 ability Office;

5 (7) includes a comprehensive strategic plan for
6 the United States Visitor and Immigrant Status In-
7 dicator Technology project;

8 (8) includes a complete schedule for the full im-
9 plementation of a biometric exit program or a cer-
10 tification that such program is not possible within
11 five years; and

12 (9) includes a detailed accounting of operation
13 and maintenance, contractor services, and program
14 costs associated with the management of identity
15 services:

16 *Provided further*, That quarterly status reports on the
17 US-VISIT program submitted to the Committees on Ap-
18 propriations of the Senate and House of Representatives
19 shall include reporting on coordination with Western
20 Hemisphere Travel Initiative planning and implementa-
21 tion, the Secure Border Initiative, and other Departmental
22 efforts that relate to US-VISIT goals and activities.

23 OFFICE OF HEALTH AFFAIRS

24 For the necessary expenses of the Office of Health
25 Affairs, \$117,933,000; of which \$25,750,000 is for sala-

1 ries and expenses; and of which \$92,183,000 is for bio-
2 surveillance, BioWatch, medical readiness planning, chem-
3 ical response, and other activities, to remain available until
4 September 30, 2009: *Provided*, That not to exceed \$3,000
5 shall be for official reception and representation expenses.

6 FEDERAL EMERGENCY MANAGEMENT AGENCY

7 MANAGEMENT AND ADMINISTRATION

8 For necessary expenses for management and admin-
9 istration of the Federal Emergency Management Agency,
10 \$685,000,000, including activities authorized by the Na-
11 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
12 seq.), the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-
14 quake Hazards Reduction Act of 1977 (42 U.S.C. 7701
15 et seq.), the Defense Production Act of 1950 (50 U.S.C.
16 App. 2061 et seq.), sections 107 and 303 of the National
17 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
18 tion Plan No. 3 of 1978 (5 U.S.C. App.), and the Home-
19 land Security Act of 2002 (6 U.S.C. 101 et seq.): *Pro-*
20 *vided*, That not to exceed \$3,000 shall be for official recep-
21 tion and representation expenses: *Provided further*, That
22 of the total amount made available under this heading,
23 \$35,000,000 shall be for Urban Search and Rescue, of
24 which not to exceed \$1,600,000 may be made available
25 for administrative costs: *Provided further*, That no less

1 than \$6,000,000 shall be for the Office of the National
2 Capital Region Coordination.

3 STATE AND LOCAL PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other activities, including grants to State and local govern-
6 ments for terrorism prevention activities, notwithstanding
7 any other provision of law, \$3,101,000,000 (increased by
8 \$50,000,000) (increased by \$1,000,000) (increased by
9 \$50,000,000), which shall be allocated as follows:

10 (1) \$550,000,000 for formula-based grants and
11 \$400,000,000 for law enforcement terrorism preven-
12 tion grants pursuant to section 1014 of the USA
13 PATRIOT ACT (42 U.S.C. 3714): *Provided*, That
14 the application for grants shall be made available to
15 States within 45 days after the date of enactment of
16 this Act; that States shall submit applications within
17 90 days after the grant announcement; and the Fed-
18 eral Emergency Management Agency shall act with-
19 in 90 days after receipt of an application: *Provided*
20 *further*, That not less than 80 percent of any grant
21 under this paragraph to a State or to Puerto Rico
22 shall be made available by the State or Puerto Rico
23 to local governments within 60 days after the receipt
24 of the funds.

25 (2) \$1,858,000,000 (increased by \$50,000,000)
26 (increased by \$50,000,000) for discretionary grants,

1 as determined by the Secretary of Homeland Security,
2 of which—

3 (A) \$800,000,000 (increased by
4 \$50,000,000) shall be for use in high-threat,
5 high-density urban areas;

6 (B) \$400,000,000 shall be for port security
7 grants pursuant to section 70107 of title 46,
8 United States Code;

9 (C) \$10,000,000 shall be for trucking industry
10 security grants;

11 (D) \$11,000,000 shall be for intercity bus
12 security grants;

13 (E) \$400,000,000 shall be for intercity rail
14 passenger transportation (as defined in section
15 24102 of title 49, United States Code), freight
16 rail, and transit security grants;

17 (F) \$50,000,000 (increased by
18 \$50,000,000) shall be for buffer zone protection
19 grants;

20 (G) \$20,000,000 shall be for Commercial
21 Equipment Direct Assistance grants;

22 (H) \$50,000,000 shall be for Metropolitan
23 Medical Response System grants;

24 (I) \$17,000,000 shall be for Citizen Corps
25 grants;

1 (J) \$50,000,000 shall be for interoperable
2 communications grants; and

3 (K) \$50,000,000 shall be for Real ID
4 grants pursuant to Public Law 109–13:

5 *Provided*, That for grants under subparagraph (A),
6 the application for grants shall be made available to
7 States within 45 days after the date of enactment of
8 this Act; that States shall submit applications within
9 90 days after the grant announcement; and that the
10 Federal Emergency Management Agency shall act
11 within 90 days after receipt of an application: *Pro-*
12 *vided further*, That no less than 80 percent of any
13 grant under this paragraph to a State shall be made
14 available by the State to local governments within 60
15 days after the receipt of the funds: *Provided further*,
16 That for grants under subparagraphs (B) through
17 (K), the applications for such grants shall be made
18 available for competitive award to eligible applicants
19 not later than 75 days after the date of enactment
20 of this Act, that eligible applicants shall submit ap-
21 plications not later than 45 days after the date of
22 the grant announcement, and that the Federal
23 Emergency Management Agency shall act on such
24 applications not later than 60 days after the date on
25 which such an application is received.

1 (3) \$293,000,000 for training, exercises, tech-
2 nical assistance, and other programs:

3 *Provided*, That none of the grants provided under this
4 heading shall be used for the construction or renovation
5 of facilities, except for emergency operations centers: *Pro-*
6 *vided further*, That the preceding proviso shall not apply
7 to grants under subparagraphs (B), (C), (D), (F), (G),
8 (H), (I), (J), and (K) of paragraph (2) of this heading:
9 *Provided further*, That grantees shall provide additional
10 reports on their use of funds, as determined necessary by
11 the Secretary of Homeland Security: *Provided further*,
12 That funds appropriated for law enforcement terrorism
13 prevention grants under paragraph (1) of this heading and
14 discretionary grants under paragraph (2)(A) of this head-
15 ing shall be available for operational costs, including per-
16 sonnel overtime and overtime associated with certified
17 training, as needed.

18 FIREFIGHTER ASSISTANCE GRANTS

19 For grants authorized by the Federal Fire Prevention
20 and Control Act of 1974 (15 U.S.C. 2201 et seq.),
21 \$800,000,000, of which \$570,000,000 shall be available
22 to carry out section 33 of that Act (15 U.S.C. 2229) and
23 \$230,000,000 shall be available to carry out section 34
24 of that Act (15 U.S.C. 2229a), to remain available until
25 September 30, 2009: *Provided*, That not to exceed 5 per-

1 cent of the amount available under this heading shall be
2 available for program administration.

3 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

4 For necessary expenses for emergency management
5 performance grants, as authorized by the National Flood
6 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
9 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
10 organization Plan No. 3 of 1978 (5 U.S.C. App.),
11 \$300,000,000: *Provided*, That grants provided under this
12 heading shall be distributed based on the formula used
13 by the Department of Homeland Security in fiscal year
14 2007: *Provided further*, That total administrative costs
15 shall not exceed 3 percent of the total amount appro-
16 priated under this heading.

17 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

18 The aggregate charges assessed during fiscal year
19 2008, as authorized in title III of the Departments of Vet-
20 erans Affairs and Housing and Urban Development, and
21 Independent Agencies Appropriations Act, 1999 (42
22 U.S.C. 5196e), shall not be less than 100 percent of the
23 amount the Secretary of Homeland Security anticipates
24 is necessary for the radiological emergency preparedness
25 program of the Department of Homeland Security for the
26 next fiscal year: *Provided*, That the methodology for the

1 assessment and collection of fees shall be fair and equi-
2 table and shall reflect the cost of providing such services,
3 including the administrative cost of collecting such fees:
4 *Provided further*, That fees received under this heading
5 shall be deposited in this account as offsetting collections
6 and shall become available for authorized purposes on Oc-
7 tober 1, 2008, and remain available until expended.

8 UNITED STATES FIRE ADMINISTRATION

9 For necessary expenses of the United States Fire Ad-
10 ministration and for other purposes, as authorized by the
11 Federal Fire Prevention and Control Act of 1974 (15
12 U.S.C. 2201 et seq.) and the Homeland Security Act of
13 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

14 DISASTER RELIEF

15 For necessary expenses in carrying out the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain avail-
18 able until expended.

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

20 For activities under section 319 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5162), \$875,000, of which \$580,000 is for ad-
23 ministrative expenses to carry out the direct loan program
24 under that section and \$295,000 is for the cost of direct
25 loans: *Provided*, That gross obligations for the principal
26 amount of direct loans under that section shall not exceed

1 \$25,000,000: *Provided further*, That the cost of a modi-
2 fication of such a loan shall be as defined in section
3 502(5)(D) of the Congressional Budget Act of 1974 (2
4 U.S.C. 661a).

5 FLOOD MAP MODERNIZATION FUND

6 For necessary expenses under section 1360 of the
7 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
8 \$230,000,000, and such additional sums as may be pro-
9 vided by State and local governments or other political
10 subdivisions for cost-shared mapping activities under sub-
11 section (f) of such section, to remain available until ex-
12 pended: *Provided*, That total administrative costs shall not
13 exceed 3 percent of the total amount appropriated under
14 this heading.

15 NATIONAL FLOOD INSURANCE FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For activities under the National Flood Insurance
18 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
19 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
20 \$145,000,000, which is available as follows: (1) not to ex-
21 ceed \$45,642,000 for salaries and expenses associated
22 with flood mitigation and flood insurance operations; and
23 (2) no less than \$99,358,000 for flood hazard mitigation,
24 which shall be derived from offsetting collections assessed
25 and collected under section 1307 of the National Flood
26 Insurance Act of 1968 (42 U.S.C. 4014), to remain avail-

1 able until September 30, 2009, including up to
2 \$34,000,000 for flood mitigation expenses under section
3 1366 of that Act (42 U.S.C. 4104c), which shall be avail-
4 able for transfer to the National Flood Mitigation Fund
5 under section 1367 of that Act (42 U.S.C. 4104) until
6 September 30, 2009: *Provided*, That any additional fees
7 collected pursuant to section 1307 of that Act shall be
8 credited as an offsetting collection to this account, to be
9 available for flood hazard mitigation expenses: *Provided*
10 *further*, That in fiscal year 2008, no funds shall be avail-
11 able from the National Flood Insurance Fund under sec-
12 tion 1310 of that Act (42 U.S.C. 4017) in excess of: (1)
13 \$70,000,000 for operating expenses; (2) \$773,772,000 for
14 commissions and taxes of agents; (3) such sums as are
15 necessary for interest on Treasury borrowings; and (4)
16 \$90,000,000 for flood mitigation actions with respect to
17 severe repetitive loss properties under section 1361A of
18 that Act (42 U.S.C. 4102a) and repetitive insurance
19 claims properties under section 1323 of that Act (42
20 U.S.C. 4030), which shall remain available until expended:
21 *Provided further*, That total administrative costs shall not
22 exceed 4 percent of the total appropriation.

23 NATIONAL FLOOD MITIGATION FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 Notwithstanding subparagraphs (B) and (C) of sub-
26 section (b)(3), and subsection (f), of section 1366 of the

1 National Flood Insurance Act of 1968 (42 U.S.C. 4104c),
2 \$34,000,000, to remain available until September 30,
3 2009, for activities designed to reduce the risk of flood
4 damage to structures pursuant to such Act, of which
5 \$34,000,000 shall be derived from the National Flood In-
6 surance Fund under section 1310 of that Act (42 U.S.C.
7 4017).

8 NATIONAL PRE-DISASTER MITIGATION FUND

9 For a predisaster mitigation grant program under
10 title II of the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C. 5131 et seq.),
12 \$120,000,000, to remain available until expended: *Pro-*
13 *vided*, That grants made for predisaster mitigation shall
14 be awarded on a competitive basis subject to the criteria
15 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*
16 *vided further*, That the total administrative costs associ-
17 ated with such grants shall not exceed 3 percent of the
18 total amount made available under this heading.

19 EMERGENCY FOOD AND SHELTER

20 To carry out an emergency food and shelter program
21 pursuant to title III of the McKinney-Vento Homeless As-
22 sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to
23 remain available until expended: *Provided*, That total ad-
24 ministrative costs shall not exceed 3.5 percent of the total
25 amount made available under this heading.

1 TITLE IV—RESEARCH AND DEVELOPMENT,
2 TRAINING, AND SERVICES
3 UNITED STATES CITIZENSHIP AND IMMIGRATION
4 SERVICES

5 For necessary expenses for citizenship and immigra-
6 tion services, \$30,000,000: *Provided*, That collections
7 made pursuant to 8 U.S.C. 1356(u) may not be obligated
8 until the Committees on Appropriations of the Senate and
9 the House of Representatives, and the Committee on the
10 Judiciary of the House of Representatives, receive a stra-
11 tegic transformation plan for United States Citizenship
12 and Immigration Services that has been reviewed and ap-
13 proved by the Secretary of Homeland Security and re-
14 viewed by the Government Accountability Office.

15 FEDERAL LAW ENFORCEMENT TRAINING CENTER
16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Law Enforce-
18 ment Training Center under section 884 of the Homeland
19 Security Act of 2002 (6 U.S.C. 464), including materials
20 and support costs of Federal law enforcement basic train-
21 ing; purchase of not to exceed 117 vehicles for police-type
22 use and hire of passenger motor vehicles; expenses for stu-
23 dent athletic and related activities; the conduct of and par-
24 ticipation in firearms matches and presentation of awards;
25 public awareness and enhancement of community support

1 of law enforcement training; room and board for student
2 interns; a flat monthly reimbursement to employees au-
3 thorized to use personal mobile phones for official duties;
4 and services as authorized by section 3109 of title 5,
5 United States Code, \$219,786,000, of which up to
6 \$43,910,000 shall remain available until September 30,
7 2008 for materials and support costs of Federal law en-
8 forcement basic training; of which \$300,000 shall remain
9 available until expended for Federal law enforcement
10 agencies participating in training accreditation, to be dis-
11 tributed as determined by the Federal Law Enforcement
12 Training Center for the needs of participating agencies;
13 and of which not to exceed \$12,000 shall be for official
14 reception and representation expenses: *Provided*, That sec-
15 tion 1202(a) of Public Law 107–206 (42 U.S.C. 3771
16 note) is amended by striking “December 31, 2007” and
17 inserting “December 31, 2008”.

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
19 RELATED EXPENSES

20 For acquisition of necessary additional real property
21 and facilities, construction, and ongoing maintenance, fa-
22 cility improvements, and related expenses of the Federal
23 Law Enforcement Training Center, \$43,270,000, to re-
24 main available until expended: *Provided*, That the Center
25 is authorized to accept reimbursement to this appropria-

1 tion from Government agencies requesting the construc-
2 tion of special use facilities.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the Office of the Under
6 Secretary for Science and Technology and for manage-
7 ment and administration of programs and activities, as
8 authorized by title III of the Homeland Security Act of
9 2002 (6 U.S.C. 181 et seq.), \$130,787,000: *Provided*,
10 That not to exceed \$10,000 shall be for official reception
11 and representation expenses.

12 RESEARCH, DEVELOPMENT, ACQUISITION AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects; development;
16 test and evaluation; acquisition; and operations; as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.); \$646,325,000, to remain available
19 until expended: *Provided*, That none of the funds made
20 available under this heading shall be obligated for the
21 Analysis, Dissemination, Visualization, Insight, and Se-
22 mantic Enhancement program until the Secretary of
23 Homeland Security completes a Privacy Impact Assess-
24 ment.

1 DOMESTIC NUCLEAR DETECTION OFFICE
2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office as authorized by the second title XVIII
5 of the Homeland Security Act of 2002 and for manage-
6 ment and administration of programs and activities,
7 \$31,176,000: *Provided*, That not to exceed \$3,000 shall
8 be for official reception and representation expenses.

9 RESEARCH, DEVELOPMENT, AND OPERATIONS

10 For necessary expenses for radiological and nuclear
11 research, development, testing, evaluation and operations,
12 \$316,900,000, to remain available until expended.

13 SYSTEMS ACQUISITION

14 For expenses for the Domestic Nuclear Detection Of-
15 fice acquisition and deployment of radiological detection
16 systems in accordance with the global nuclear detection
17 architecture, \$168,000,000 (increased by \$40,000,000), to
18 remain available until September 30, 2010: *Provided*,
19 That none of the funds appropriated under this heading
20 shall be obligated for full-scale procurement of Advanced
21 Spectroscopic Portal Monitors until the Secretary of
22 Homeland Security submits to the Committees on Appro-
23 priations of the Senate and the House of Representatives
24 a report certifying that a significant increase in oper-
25 ational effectiveness will be achieved by that procurement.

1 TITLE V—GENERAL PROVISIONS

2 SEC. 501. No part of any appropriation contained in
3 this Act shall remain available for obligation beyond the
4 current fiscal year unless expressly so provided herein.

5 SEC. 502. Subject to the requirements of section 503
6 of this Act, the unexpended balances of prior appropria-
7 tions provided for activities in this Act may be transferred
8 to appropriation accounts for such activities established
9 pursuant to this Act: *Provided*, That balances so trans-
10 ferred may be merged with funds in the applicable estab-
11 lished accounts and thereafter may be accounted for as
12 one fund for the same time period as originally enacted.

13 SEC. 503. (a) None of the funds provided by this Act,
14 provided by previous appropriations Acts to the agencies
15 in or transferred to the Department of Homeland Security
16 that remain available for obligation or expenditure in fiscal
17 year 2008, or provided from any accounts in the Treasury
18 of the United States derived by the collection of fees avail-
19 able to the agencies funded by this Act, shall be available
20 for obligation or expenditure through a reprogramming of
21 funds that: (1) creates a new program; (2) eliminates a
22 program, project, office, or activity; (3) increases funds
23 for any program, project, or activity for which funds have
24 been denied or restricted by the Congress; (4) proposes
25 to use funds directed for a specific activity by either of

1 the Committees on Appropriations of the Senate or House
2 of Representatives for a different purpose; or (5) enters
3 into a contract for the performance of any function or ac-
4 tivity for which funds have been appropriated for Federal
5 full-time equivalent positions; unless the Committees on
6 Appropriations of the Senate and the House of Represent-
7 atives are notified 15 days in advance of such reprogram-
8 ming of funds.

9 (b) None of the funds provided by this Act, provided
10 by previous appropriations Acts to the agencies in or
11 transferred to the Department of Homeland Security that
12 remain available for obligation or expenditure in fiscal
13 year 2008, or provided from any accounts in the Treasury
14 of the United States derived by the collection of fees avail-
15 able to the agencies funded by this Act, shall be available
16 for obligation or expenditure for programs, projects, or ac-
17 tivities through a reprogramming of funds in excess of
18 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
19 ments existing programs, projects, or activities; (2) re-
20 duces by 10 percent or more the total amount of funding
21 for any existing program, project, or activity, or numbers
22 of personnel by 10 percent or more as approved by the
23 Congress; or (3) results from any general savings from
24 a reduction in personnel that would result in a change in
25 existing programs, projects, or activities as approved by

1 the Congress; unless the Committees on Appropriations of
2 the Senate and the House of Representatives are notified
3 15 days in advance of such reprogramming of funds.

4 (c) Not to exceed 5 percent of any appropriation
5 made available for the current fiscal year for the Depart-
6 ment of Homeland Security by this Act or provided by
7 previous appropriations Acts may be transferred between
8 such appropriations, but no such appropriations, except
9 as otherwise specifically provided, shall be increased by
10 more than 10 percent by such transfers: *Provided*, That
11 any transfer under this section shall be treated as a re-
12 programming of funds under subsection (b) and shall not
13 be available for obligation unless the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives are notified 15 days in advance of such transfer.

16 (d) Notwithstanding subsections (a), (b), and (c), no
17 funds shall be reprogrammed within or transferred be-
18 tween appropriations after June 30, 2008, except in ex-
19 traordinary circumstances which imminently threaten the
20 safety of human life or the protection of property.

21 SEC. 504. None of the funds appropriated or other-
22 wise made available to the Department of Homeland Secu-
23 rity may be used to make payments to the “Department
24 of Homeland Security Working Capital Fund”, except for
25 the activities and amounts allowed in the President’s fiscal

1 year 2008 budget, excluding sedan service, shuttle service,
2 transit subsidy, mail operations, parking, and competitive
3 sourcing: *Provided*, That any additional activities and
4 amounts shall be approved by the Committees on Appro-
5 priations of the Senate and the House of Representatives
6 30 days in advance of obligation.

7 SEC. 505. Except as otherwise specifically provided
8 by law, not to exceed 50 percent of unobligated balances
9 remaining available at the end of fiscal year 2008 from
10 appropriations for salaries and expenses for fiscal year
11 2008 in this Act shall remain available through September
12 30, 2009, in the account and for the purposes for which
13 the appropriations were provided: *Provided*, That prior to
14 the obligation of such funds, a request shall be submitted
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives for approval in accordance
17 with section 503 of this Act.

18 SEC. 506. Funds made available by this Act for intel-
19 ligence activities are deemed to be specifically authorized
20 by the Congress for purposes of section 504 of the Na-
21 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
22 year 2008 until the enactment of an Act authorizing intel-
23 ligence activities for fiscal year 2008.

24 SEC. 507. The Federal Law Enforcement Training
25 Accreditation Board shall lead the Federal law enforce-

1 ment training accreditation process, to include representa-
2 tives from the Federal law enforcement community and
3 non-Federal accreditation experts involved in law enforce-
4 ment training, to continue the implementation of meas-
5 uring and assessing the quality and effectiveness of Fed-
6 eral law enforcement training programs, facilities, and in-
7 structors.

8 SEC. 508. None of the funds in this Act may be used
9 to make grant allocations, discretionary grant awards, dis-
10 cretionary contract awards, or to issue a letter of intent
11 totaling in excess of \$1,000,000, or to announce publicly
12 the intention to make such awards, unless the Secretary
13 of Homeland Security notifies the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 at least three full business days in advance: *Provided*, That
16 no notification shall involve funds that are not available
17 for obligation: *Provided further*, That the Administrator
18 of the Federal Emergency Management Agency shall brief
19 the Committees on Appropriations of the Senate and the
20 House of Representatives 5 full business days in advance
21 of announcing publicly the intention of making an award
22 of formula-based grants, law enforcement terrorism pre-
23 vention grants, or high-threat, high-density urban areas
24 grants: *Provided further*, That such notification shall in-

1 clude a description of the project or projects to be funded
2 including the city, county, and State.

3 SEC. 509. Notwithstanding any other provision of
4 law, no agency shall purchase, construct, or lease any ad-
5 ditional facilities, except within or contiguous to existing
6 locations, to be used for the purpose of conducting Federal
7 law enforcement training without the advance approval of
8 the Committees on Appropriations of the Senate and the
9 House of Representatives, except that the Federal Law
10 Enforcement Training Center is authorized to obtain the
11 temporary use of additional facilities by lease, contract,
12 or other agreement for training which cannot be accommo-
13 dated in existing Center facilities.

14 SEC. 510. The Director of the Federal Law Enforce-
15 ment Training Center shall schedule basic or advanced law
16 enforcement training at all four training facilities under
17 the control of the Federal Law Enforcement Training
18 Center to ensure that these training centers are operated
19 at the highest capacity throughout the fiscal year.

20 SEC. 511. None of the funds appropriated or other-
21 wise made available by this Act may be used for expenses
22 for any construction, repair, alteration, or acquisition
23 project for which a prospectus, if required under chapter
24 33 of title 40, United States Code, has not been approved,
25 except that necessary funds may be expended for each

1 project for required expenses for the development of a pro-
2 posed prospectus.

3 SEC. 512. None of the funds in this Act may be used
4 in contravention of the applicable provisions of the Buy
5 American Act (41 U.S.C. 10a et seq.).

6 SEC. 513. (a) None of the funds provided by this or
7 previous appropriations Acts may be obligated for deploy-
8 ment or implementation, on other than a test basis, of the
9 Secure Flight program or any other follow on or successor
10 passenger prescreening program, until the Secretary of
11 Homeland Security certifies, and the Government Ac-
12 countability Office reports, to the Committees on Appro-
13 priations of the Senate and the House of Representatives,
14 that all 10 conditions under paragraphs (1) through (10)
15 of section 522(a) of the Department of Homeland Security
16 Appropriations Act, 2005 (Public Law 108–334; 118 Stat.
17 1319) have been successfully met.

18 (b) The report required by subsection (a) shall be
19 submitted within 90 days after the Secretary provides the
20 requisite certification, and periodically thereafter, if nec-
21 essary, until the Government Accountability Office con-
22 firms that all ten conditions have been successfully met.

23 (c) Within 90 days after the date of enactment of
24 this Act, the Secretary of Homeland Security shall submit
25 to the Committees on Appropriations of the Senate and

1 the House of Representatives a detailed plan that de-
2 scribes: (1) the dates for achieving key milestones, includ-
3 ing the date or timeframes that the Secretary will certify
4 the program under subsection (a); and (2) the method-
5 ology to be followed to support the Secretary's certifi-
6 cation, as required under subsection (a).

7 (d) During the testing phase permitted by subsection
8 (a), no information gathered from passengers, foreign or
9 domestic air carriers, or reservation systems may be used
10 to screen aviation passengers, or delay or deny boarding
11 to such passengers, except in instances where passenger
12 names are matched to a Government watch list.

13 (e) None of the funds provided in this or any other
14 Act to any part of the Department of Homeland Security
15 may be utilized to develop or test algorithms assigning risk
16 to passengers whose names are not on Government watch
17 lists.

18 (f) None of the funds provided in this or any other
19 Act may be used for data or a database that is obtained
20 from or remains under the control of a non-Federal entity:
21 *Provided*, That this restriction shall not apply to Pas-
22 senger Name Record data obtained from air carriers.

23 SEC. 514. None of the funds appropriated by this Act
24 may be used to process or approve a competition under
25 Office of Management and Budget Circular A-76 for serv-

1 ices provided as of June 1, 2004, by employees (including
2 employees serving on a temporary or term basis) of United
3 States Citizenship and Immigration Services of the De-
4 partment of Homeland Security who are known as of that
5 date as Immigration Information Officers, Contact Rep-
6 resentatives, or Investigative Assistants.

7 SEC. 515. None of the funds appropriated to the
8 United States Secret Service by this or any other Act may
9 be made available for the protection of the head of a Fed-
10 eral agency other than the Secretary of Homeland Secu-
11 rity: *Provided*, That the Director of the United States Se-
12 cret Service may enter into an agreement to perform such
13 a service on a fully reimbursable basis.

14 SEC. 516. (a) Section 513 of the Department of
15 Homeland Security Appropriations Act, 2005, is amended
16 by striking “triple” and inserting “double”.

17 (b) The amendment made by subsection (a) shall
18 apply to the percentage of cargo inspected as required by
19 Security Directives in effect as of the date of enactment
20 of this Act.

21 SEC. 517. (a) The Secretary of Homeland Security
22 shall research, develop, and procure new technologies to
23 inspect and screen air cargo carried on passenger aircraft
24 at the earliest date possible.

1 (b) Existing checked baggage explosive detection
2 equipment and screeners shall be used to screen air cargo
3 carried on passenger aircraft to the greatest extent prac-
4 ticable at each airport until technologies developed under
5 subsection (a) are available.

6 (c) Not later than 45 days after the end of the quar-
7 ter, the Transportation Security Administration shall sub-
8 mit to the Committees on Appropriations of the Senate
9 and the House of Representatives a report on air cargo
10 inspection statistics by airport and air carrier, including
11 any reason for non-compliance with section 516.

12 SEC. 518. None of the funds made available in this
13 Act may be used by any person other than the Privacy
14 Officer appointed under section 222 of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 142) to alter, direct that
16 changes be made to, delay, or prohibit the transmission
17 to Congress of any report prepared under paragraph (6)
18 of such section.

19 SEC. 519. No funding provided in this or any other
20 Act shall be available to pay the salary of any employee
21 serving as a contracting officer's technical representative
22 (COTR), or anyone acting in a similar capacity, who has
23 not received COTR training.

24 SEC. 520. Except as provided in section 44945 of title
25 49, United States Code, funds appropriated or transferred

1 to Transportation Security Administration “Aviation Se-
2 curity”, “Administration” and “Transportation Security
3 Support” for fiscal years 2004, 2005, 2006, and 2007
4 that are recovered or deobligated shall be available only
5 for the procurement or installation of explosive detection
6 systems, for air cargo, baggage, and checkpoint screening
7 systems, subject to notification: *Provided*, That quarterly
8 reports shall be submitted to the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 on any funds that are recovered or deobligated.

11 SEC. 521. Section 525 of the Department of Home-
12 land Security Appropriations Act, 2007 (Public Law 109–
13 295), is amended—

14 (1) in subsection (a)(2)(A) by inserting “identi-
15 fies and describes the specific risk to the national
16 transportation system and therefore” after “infor-
17 mation”;

18 (2) in subsection (d) by striking “like that” and
19 inserting “identical to those”; and

20 (3) by adding at the end the following:

21 “(e) For the purposes of this section, the term ‘par-
22 ty’s counsel’ includes any employee who assists counsel in
23 legal proceedings and who is so designated by counsel and
24 approved by the judge overseeing the legal proceedings.”.

1 SEC. 522. The Department of Homeland Security
2 Working Capital Fund, established pursuant to section
3 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
4 continue operations during fiscal year 2008.

5 SEC. 523. (a) The report required by Public Law
6 109–62 and Public Law 109–90 detailing the allocation
7 and obligation of funds for “Disaster Relief” shall here-
8 after be submitted monthly and include: (1) status of the
9 Disaster Relief Fund including obligations, allocations,
10 and amounts undistributed/unallocated; (2) allocations,
11 obligations, and expenditures for Hurricanes Katrina,
12 Rita, and Wilma; (3) information on national flood insur-
13 ance claims; (4) information on manufactured housing
14 data; (5) information on hotel and motel data; (6) obliga-
15 tions, allocations, and expenditures by State for unemploy-
16 ment, crisis counseling, inspections, housing assistance,
17 manufactured housing, public assistance, and individual
18 assistance; (7) mission assignment obligations by agency,
19 including: (A) the amounts reimbursed to other agencies
20 that are in suspense because the Federal Emergency Man-
21 agement Agency has not yet reviewed and approved the
22 documentation supporting the expenditure; and (B) a dis-
23 claimer if the amounts of reported obligations and expend-
24 itures do not reflect the status of such obligations and ex-
25 penditures from a government-wide perspective; (8) the

1 amount of credit card purchases by agency and mission
2 assignment; (9) specific reasons for all waivers granted
3 and a description of each waiver; and (10) a list of all
4 contracts that were awarded on a sole source or limited
5 competition basis, including the dollar amount, the pur-
6 pose of the contract and the reason for the lack of com-
7 petitive award.

8 (b) The Secretary of Homeland Security shall, at
9 least quarterly, obtain and report from each agency per-
10 forming mission assignments each such agency's actual
11 obligation and expenditure data and include such data in
12 the report referred to in subsection (a).

13 (c) For any request for reimbursement from a Fed-
14 eral agency to the Department of Homeland Security to
15 cover expenditures under the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
17 seq.), or any mission assignment orders issued by the De-
18 partment of Homeland Security for such purposes, the
19 Secretary of Homeland Security shall take appropriate
20 steps to ensure that each agency is periodically reminded
21 of Department of Homeland Security policies on—

22 (1) the detailed information required in sup-
23 porting documentation for reimbursements; and

24 (2) the necessity for timeliness of agency bil-
25 lings.

1 SEC. 524. Within 45 days after the close of each
2 month, the Chief Financial Officer of the Department of
3 Homeland Security shall submit to the Committees on Ap-
4 propriations of the Senate and the House of Representa-
5 tives a monthly budget and staffing report that includes
6 total obligations and on-board versus funded full-time
7 equivalent staffing levels.

8 SEC. 525. Section 532(a) of Public Law 109–295 is
9 amended by striking “2007” and inserting “2008”.

10 SEC. 526. None of the funds made available by this
11 Act shall be used in contravention of the Federal buildings
12 performance and reporting requirements of Executive
13 Order No. 13123, part 3 of title V of the National Energy
14 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-
15 title A of title I of the Energy Policy Act of 2005 (includ-
16 ing the amendments made thereby).

17 SEC. 527. The functions of the Federal Law Enforce-
18 ment Training Center instructor staff shall be classified
19 as inherently governmental for the purpose of the Federal
20 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
21 note).

22 SEC. 528. None of the funds made available in this
23 Act may be used in contravention of section 303 of the
24 Energy Policy Act of 1992 (42 U.S.C. 13212).

1 SEC. 529. None of the funds made available by this
2 Act may be used to take an action that would violate Exec-
3 utive Order No. 13149 (65 Fed. Reg. 24607; relating to
4 greening the Government through Federal fleet and trans-
5 portation efficiency).

6 SEC. 530. (a) IN GENERAL.—Any contract, sub-
7 contract, task or delivery order described in subsection (b)
8 shall contain the following:

9 (1) A requirement for a technical review of all
10 designs, design changes, and engineering change
11 proposals, and a requirement to specifically address
12 all engineering concerns identified in the review be-
13 fore the obligation of further funds may occur.

14 (2) A requirement that the Coast Guard main-
15 tain technical warrant holder authority, or the equiv-
16 alent, for major assets.

17 (3) A requirement that no procurement subject
18 to subsection (b) for lead asset production or the im-
19 plementation of a major design change shall be en-
20 tered into unless an independent third party with no
21 financial interest in the development, construction,
22 or modification of any component of the asset, se-
23 lected by the Commandant of the Coast Guard, de-
24 termines that such action is advisable.

1 (4) A requirement for independent life-cycle
2 cost estimates of lead assets and major design and
3 engineering changes.

4 (5) A requirement for the measurement of con-
5 tractor and subcontractor performance based on the
6 status of all work performed. For contracts under
7 the Integrated Deepwater Systems program, such
8 requirement shall include a provision that links
9 award fees to successful acquisition outcomes (which
10 shall be defined in terms of cost, schedule, and per-
11 formance).

12 (6) A requirement that the Commandant of the
13 Coast Guard assign an appropriate officer or em-
14 ployee of the Coast Guard to act as chair of each in-
15 tegrated product team and higher-level team as-
16 signed to the oversight of each integrated product
17 team.

18 (7) A requirement that the Commandant of the
19 Coast Guard may not award or issue any contract,
20 task or delivery order, letter contract modification
21 thereof, or other similar contract, for the acquisition
22 or modification of an asset under a procurement
23 subject to subsection (b) unless the Coast Guard and
24 the contractor concerned have formally agreed to all
25 terms and conditions or the head of contracting ac-

1 tivity of the Coast Guard determines that a compel-
2 ling need exists for the award or issue of such in-
3 strument.

4 (b) CONTRACTS, SUBCONTRACTS, TASK AND DELIV-
5 ERY ORDERS COVERED.—Subsection (a) applies to—

6 (1) any major procurement contract, first-tier
7 subcontract, delivery or task order entered into by
8 the Coast Guard;

9 (2) any first-tier subcontract entered into under
10 such a contract; and

11 (3) any task or delivery order issued pursuant
12 to such a contract or subcontract.

13 (c) REPORTS.—Not later than 30 days after the date
14 of enactment of this Act, the Commandant of the Coast
15 Guard shall submit to the Committees on Appropriations
16 of the Senate and the House of Representatives, the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate, and the Committee on Transportation and Infra-
19 structure of the House of Representatives: (1) a report
20 on the resources (including training, staff, and expertise)
21 required by the Coast Guard to provide appropriate man-
22 agement and oversight of the Integrated Deepwater Sys-
23 tems program; and (2) a report on how the Coast Guard
24 will utilize full and open competition for any contract en-
25 tered into after the date of enactment of the Act that pro-

1 vides for the acquisition or modification of assets under,
2 or in support of, the Integrated Deepwater Systems pro-
3 gram.

4 SEC. 531. None of the funds provided by this or any
5 other Act may be obligated for the development, testing,
6 deployment, or operation of any system related to the
7 MAX-HR project, or any subsequent but related human
8 resources management project, until any pending litiga-
9 tion concerning such activities is resolved, and any legal
10 claim or appeal by either party has been fully resolved.

11 SEC. 532. (a) AMENDMENTS.—Section 550 of the
12 Department of Homeland Security Appropriations Act,
13 2007 (6 U.S.C. 121 note) is amended—

14 (1) in subsection (c), by striking “consistent
15 with similar” and inserting “identical to the protec-
16 tions given”;

17 (2) in subsection (c), by striking “, site security
18 plans, and other information submitted to or ob-
19 tained by the Secretary under this section, and re-
20 lated vulnerability or security information, shall be
21 treated as if the information were classified mate-
22 rial” and inserting “and site security plans shall be
23 treated as sensitive security information (as that
24 term is used in section 1520.5 of title 49, Code of

1 Federal Regulations, or any subsequent regulations
2 relating to the same matter)”; and

3 (3) by adding at the end of the section the fol-
4 lowing:

5 “(h) This section shall not preclude or deny any right
6 of any State or political subdivision thereof to adopt or
7 enforce any regulation, requirement, or standard of per-
8 formance with respect to chemical facility security that is
9 more stringent than a regulation, requirement, or stand-
10 ard of performance issued under this section, or otherwise
11 impair any right or jurisdiction of any State with respect
12 to chemical facilities within that State.”.

13 (b) REGULATORY CLARIFICATION.—Not later than
14 30 days after the date of the enactment of this Act, the
15 Secretary of Homeland Security shall update the regula-
16 tions administered by the Secretary that govern sensitive
17 security information, including 49 CFR 1520, to reference
18 all information required to be protected under section
19 550(c) of the Department of Homeland Security Appro-
20 priations Act, 2007 (6 U.S.C. 121 note), as amended by
21 subsection (a).

22 SEC. 533. The Commissioner of United States Cus-
23 toms and Border Protection shall, not later than July 1,
24 2008, establish for the United States Customs and Border
25 Protection Officer (CBPO) position, a new classification

1 (“CBPO/LEO”), which shall be identical to the current
2 position description for a CBPO, and include, but not be
3 limited to, eligibility for treatment accorded to law en-
4 forcement officers under subchapter III of chapter 83, and
5 chapter 84 of title 5, United States Code. In developing
6 the new classification, the Commissioner shall consult with
7 the Office of Personnel Management, as well as employee
8 groups that represent CBPOs. The option to elect to serve
9 as a CBPO/LEO shall be available to all CBPOs who
10 enter into service on or after July 1, 2008, as well as to
11 incumbent CBPOs currently serving on July 1, 2008, who
12 meet the maximum age requirements to serve in a law en-
13 forcement officer position.

14 SEC. 534. In fiscal year 2008, none of funds made
15 available in this or any other Act may be used to enforce
16 section 4025(1) of Public Law 108–458 if the Assistant
17 Secretary (Transportation Security Administration) deter-
18 mines that butane lighters are not a significant threat to
19 civil aviation security: *Provided*, That the Assistant Sec-
20 retary (Transportation Security Administration) shall no-
21 tify the Committee on Appropriations of the Senate and
22 the House of Representatives 15 days in advance of such
23 determination including a report on whether the effective-
24 ness of screening operations is enhanced by suspending
25 enforcement of the prohibition: *Provided further*, That if

1 the Assistant Secretary has previously submitted a report
2 pursuant to Section 530 of Public Law 108–458, no fur-
3 ther report shall be required.

4 SEC. 535. None of the funds provided in this Act may
5 be used to alter or reduce operations within the Civil Engi-
6 neering Program of the Coast Guard nationwide, including
7 the civil engineering units, facilities, design and construc-
8 tion centers, maintenance and logistics command centers,
9 and the Coast Guard Academy, except as specifically au-
10 thorized by a statute enacted after the date of enactment
11 of this Act.

12 SEC. 536. None of the funds appropriated in this Act
13 may be used for a grant or contract for any project that
14 does not comply with the requirements of subchapter IV
15 of chapter 31 of title 40, United States Code: *Provided*,
16 That the President may suspend the provisions of such
17 subchapter during a national emergency.

18 SEC. 537. None of the funds appropriated in this Act
19 may be obligated for a grant or contract awarded by a
20 means other than full and open competition, other than
21 a grant distributed by a formula or other mechanism that
22 is required by statute. The Secretary of Homeland Secu-
23 rity may waive the application of this subsection during
24 a national emergency.

1 able efforts to collect such badge from the employee
2 on the date that the employment of the employee is
3 terminated and does not notify the operator of the
4 airport of such termination within 24 hours of the
5 date of such termination shall be liable to the Gov-
6 ernment for a civil penalty not to exceed \$10,000.”.

7 SEC. 543. None of the funds made available in this
8 Act may be used by U.S. Citizenship and Immigration
9 Services to grant an immigration benefit to any individual
10 unless all criminal history and other background checks
11 required for the benefit have been completed, the results
12 of such checks have been received by U.S. Citizenship and
13 Immigration Services, and the results do not preclude the
14 grant of the benefit.

15 SEC. 544. None of the funds made available in this
16 Act may be used to destroy or put to pasture any horse
17 or mule belonging to the United States that has become
18 unfit for service.

19 **SEC. 545. CRITICAL INFRASTRUCTURE VULNERABILITY.**

20 None of the funds in this Act may be used to limit
21 the implementation of Homeland Security Presidential Di-
22 rective 7 (HSPD-7).

23 SEC. 546. None of the funds made available in this
24 Act may be used to implement any plan developed under
25 section 7209(b)(1) of the Intelligence Reform and Ter-

1 rorism Prevention Act of 2004 (Public Law 108–458; 8
2 U.S.C. 1185 note) before June 1, 2009.

3 SEC. 547. None of the funds made available in this
4 Act may be used in contravention of section 642(a) of the
5 Illegal Immigration Reform and Immigrant Responsibility
6 Act of 1996 (8 U.S.C. 1373(a)).

7 SEC. 548. The Amount otherwise provided by this Act
8 for “Firefighter Assistance Grants” is hereby increased by
9 \$5,058,000, which shall be available to carry out section
10 34 of the Federal Fire Prevention and Control Act of
11 1974.

12 This Act may be cited as the “Department of Home-
13 land Security Appropriations Act, 2008”.

Passed the House of Representatives June 15, 2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 2638

AN ACT

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2008, and for other purposes.